

Applicants : Erik K. Hamilton, Joseph S. Kromkowski and Todd Schumtzler  
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**Remarks:**

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated March 30, 2010.

Claims 1-11 and 13-38 are pending in the application. Claims 12-20 were drawn to the non-elected invention and have been canceled herein without prejudice. Claims 1, 4, 21-23 and 27 have been amended as set forth above and new claims 31-38 have been added. The amendments and new claims are fully supported in the specification and drawings as originally filed. No new matter has been added.

**CLAIM REJECTIONS**

Claims 1-6, 9 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Stoffel et al., U.S. Patent No. 3,717,369 ("Stoffel"), while claims 7 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stoffel. Claims 8 and 21-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stoffel, in view of Kubota et al., U.S. Patent Application Publication No. US2001/0004055 ("Kubota").

Applicants respectfully traverse the rejections under 35 U.S.C. §102 and §103. However, and without acquiescing in the rejections in any manner and solely to expedite prosecution and allowance of the claims, Applicants have clarified independent claims 1 and 21 and submit that the present claims are in condition for allowance for at least the reasons set forth below.

Applicants have amended independent claim 1 to clarify that a locking portion of the locking member extends from the first end piece along a first axis of the first end piece, and the second end piece is configured to receive the locking portion of the locking member along a second axis of the second end piece. The first and second axes are not aligned with one another when the first and second end pieces are joined via the at least one frangible element, and the frangible element limits relative movement of the first and second end pieces to preclude

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alignment of the first and second axes when the first and second pieces are joined via the at least one frangible element. When the at least one frangible element is broken and the first and second end pieces are separated, the first and second axes are alignable so that the second end piece receives the locking portion of the locking member to lock the locking device to an object.

With respect to the rejection of independent claim 1, Applicants submit that Stoffel does not disclose, suggest or anticipate or render obvious the presently claimed invention. Stoffel discloses an all plastic seal with a hinge that flexes to allow use of and closing and locking of the seal to an object by use of a single hand. There is no disclosure or suggestion in Stoffel of a frangible element that is breakable to allow the seal portions to be separated. The Office Action takes the position that the hinge of Stoffel *could* break. However, Stoffel clearly teaches that the object of its invention is to have the hinge retain the seal portions together to allow for single-handed use of the seal. Were the hinge to break or be breakable, the Stoffel all plastic seal would not function in its intended manner.

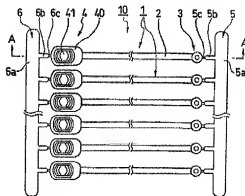
Moreover, the presently claimed invention of claim 1 includes the limitation that the frangible portion limits relative movement of the first and second end pieces to preclude alignment of the axes of the joined first and second end pieces, such that the axes of the first and second end pieces cannot be aligned when the pieces are joined and before the frangible portion is broken. Stoffel clearly does not disclose that its hinge functions to limit relative movement of the head and socket to preclude alignment of the axes of the head and socket when the head and socket are joined via the hinge. To the contrary, Stoffel teaches away from such a configuration by teaching that the hinge flexes (without breaking) to align the axes of the head and socket to allow a person to close and lock the seal by using only one hand.

Thus, Applicants submit that Stoffel does not disclose or suggest or render obvious, and clearly does not anticipate, the locking device of the presently claimed invention, particularly as set forth in independent claim 1. With respect to the rejection of dependent claims 2-6, 9 and 11, Applicants submit that Stoffel does not disclose or suggest or render obvious or anticipate the claimed invention of these claims for at least the reasons set forth above. Likewise, with respect to

the rejection of dependent claims 7 and 10, Applicants submit that Stoffel does not disclose or suggest or render obvious the claimed invention of these claims for at least the reasons set forth above.

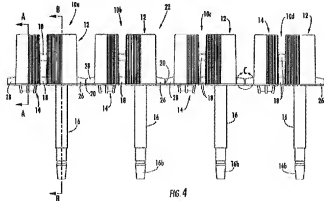
With respect to the rejection of independent claim 21, Applicants submit the Stoffel, either alone or in combination with Kubota or any other cited art of record, does not disclose or suggest or render obvious the series of locking devices of the presently claimed invention. Without acquiescing to the invention in any way, Applicants have amended independent claim 21 to clarify that the series of locking devices includes a plurality of substantially rigid metallic locking members, and the first end pieces are formed at least partially around an end portion of respective ones of the metallic locking members and a locking portion of the metallic locking member extends from the respective first end piece. The pair of first and second end pieces and the respective metallic locking member comprise a locking device, and each of the locking devices is separable from the series via breaking of the at least one second frangible portion between respective pairs of end pieces. The second end piece of a separated locking device is separable from the first end piece of the separated locking device via breaking of a respective first frangible portion and the second end piece is configured to attach to the locking portion of the metallic locking member when the first and second end pieces are separated and when the metallic locking member is inserted through an object to lock the locking device to the object.

As discussed above, Stoffel discloses an all plastic hinged seal designed for single-handed use via flexing and not breaking of the hinge. Kubota merely discloses a fastener assembly that has a plurality of fasteners with each fastener attaching at one end to a first joint member or rod that extends along one end and connects to the one end of a series of plastic fasteners and attaching at another end to a second joint member or rod that extends along the other end and connects to the other end of the series of plastic fasteners. As can be seen in Figure 1 of Kubota (reproduced to the right), the fasteners 1 are each connected at one end 4 to rod 6 and at



the other end 3 to rod 5. Each fastener is thus individually attached to and separated from the pair of rods and there is no separation of one end piece from another end piece of a respective fastener. Moreover, Kubota teaches away from such a configuration by teaching that each of the fasteners are single unitary plastic fasteners.

This is in stark contrast to the presently claimed invention of independent claim 21, which includes locking devices connected in series via a plurality of second frangible portions with each locking device comprising a pair of end pieces joined together by a first frangible portion. For example, and as shown in Figure 4 of the present application (reproduced to the right), each pair of locking devices 10a-d is joined to another pair of locking devices via at least one second frangible portion 20, while each first end piece 12 (having a metallic locking member 16 extending therefrom) is joined to a respective second end piece 14 of that locking device via at least one first frangible portion 18. Thus, a single locking device (10a, 10b, 10c or 10d) can be readily removed from the series of locking devices by breaking at least one of the second frangible portions 20 and the end pieces 12, 14 of that locking device can be separated by breaking a respective first frangible portion 18 for application and use of that locking device. To the contrary, Kubota teaches breaking of two frangible portions to remove a single unitary all plastic fastener from the support rods.



There is no disclosure or suggestion in either Stoffel or Kubota of, for example, a metallic locking member extending from a first end piece of each locking device in the series. Nor is there any disclosure or suggestion in either Stoffel or Kubota of, for example, first end pieces formed at least partially around an end portion of respective ones of the metallic locking members with a locking portion of the metallic locking member extending from the respective first end piece. Nor is there any disclosure or suggestion in either Stoffel or Kubota of, for example, a pair of first and second end pieces and the respective metallic locking member

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comprising a locking device, with each of the locking devices being separable from the series via breaking of at least one second frangible portion between respective pairs of end pieces. Nor is there any disclosure or suggestion in either Stoffel or Kubota of, for example, a second end piece of a separated locking device being separable from a first end piece of the separated locking device and configured to attach to the locking portion of the metallic locking member when the first and second end pieces are separated and when the metallic locking member is inserted through an object to lock the locking device to the object.

Thus, Applicants submit that the combination of Stoffel and Kubota does not disclose, suggest or render obvious the series of locking devices of the presently claimed invention, particularly as set forth in independent claim 21. With respect to the rejection of dependent claims 22-30, Applicants submit that Stoffel and Kubota do not disclose, suggest or render obvious the claimed invention of these claims for at least the reasons set forth above.

Accordingly, Applicants respectfully submit that neither Stoffel nor Kubota, either alone or in combination with one another or with any other prior art of record, discloses, teaches, suggests or renders obvious the locking device or series of locking devices of the present invention, particularly as set forth in independent claims 1 and 21 and in the claims depending therefrom. Thus, Applicants respectfully submit that Stoffel and/or Kubota, either alone or in combination with any other prior art reference of record, do not disclose or suggest or render obvious to one of ordinary skill in the art the combination of features that collectively and combined together constitute the claimed subject matter of the locking device or series of locking devices as set forth in claims 1-11 and 21-30. Reconsideration and withdrawal of the rejections of claims 1-11 and 21-30 is respectfully requested. Applicants further submit that new claims 31-38 are also in condition for allowance.

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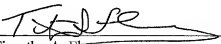
Claims 1-11 and 21-38 are pending in the application. Applicants respectfully submit that claims 1-11 and 21-38 are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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By: Van Dyke, Gardner, Linn & Burkhart, LLP

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